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NOV. 7, 1923 ECONOMY—EDUCATION—MIXED SCHOOLS.

SPEECH
OF
HON. S. S. COX,

MEMBER OF CONGRESS FROM NEW YORK CITY,

ON THE

EDUCATION AND CIVIL-RIGHTS BILLS,

DELIVERED

JANUARY 13, 1874.

From the time when rulers were thought demi-gods, there has been a gradual decline in men's estimates of their power. This decline is still in progress, and has still far to go. All superstitions die hard; and we fear that this belief in government omnipotence will form no exception.—*Herbert Spencer's Essays*, page 106.

Pistol. By this leek, I will most horribly revenge; I eat, and eke I swear—
Fluellen. Eat, I pray you: Will you have some more sauce to your leek?
there is not enough leek to swear by.—*Shakespeare's Henry V*, Act V, Sc. 1.

WASHINGTON:
GOVERNMENT PRINTING OFFICE,
1874.

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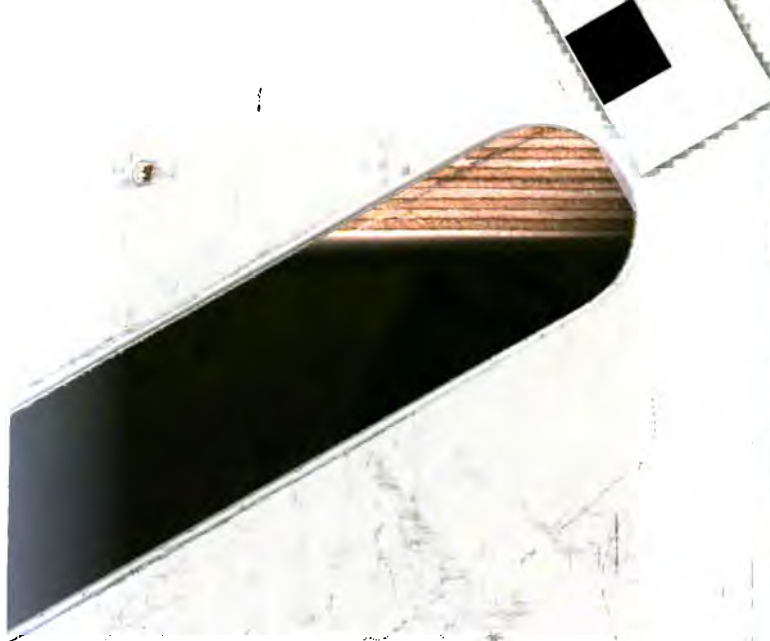
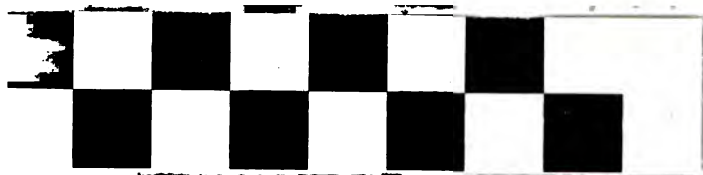
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To these queries there is but one reply—bad administration. All science, especially the science of politics and economy, is prevision. Has there been prevision? Where has there been any foresight to achieve the good and avoid the bad? Are we not late in applying the remedy? Or have we as yet found any remedy?

The party with whom I act are not responsible for the late panic or the present embarrassment. It is not our fault that instead of paying off the debt at one hundred millions a year it is growing at that rate, showing a loss of two hundred millions in resources. It is not our fault if the administration of this city and country has its—

Rings of rogues that rob the luckless town,
Those evil angels creeping up and down
The Jacob's ladder of the Treasury stairs;
Not stage, but real Turpins and Macaires.

It is, however, the fault of Congress that appropriations have been so lavish. The expenditures of 1860-'61, which included the first four months of Mr. Lincoln's administration, omitting pensions and interest, were less by \$94,653,678.98 than they are now. Allowing for the increase of population in ten years, the expenses rose 150 per cent. compared with 22 per cent. only for population—or seven to one. Whence this ruinous excess? In the Army? Yes. The expenses there are doubled. The Indian business? Yes. With fewer red men by one-half, the cost is more than doubled. The premium paid for the purchased debt in advance of its maturity in 1870, 1871, 1872, and 1873, is nearly forty millions; yet this House, years ago, on my motion, passed a resolution condemning that policy.

But, sir, upon a bill of this nature, in which I only propose to reserve our resources, an exhaustive debate on economy is not so pertinent. Yet we should begin the work at once and here on this bill. Let the knife reach everywhere. Let it reach all useless leeches who hang upon the Government. Cut down exorbitant salaries! Let your pruning ramify to every department of the service!

PURCHASING POWER OF LABOR.

I well remember that in 1857, when embarrassments like the present threatened Mr. Buchanan's administration, orders were at once issued to all the Departments and Bureaus to cut down unsparingly. It was done. It can be done again. We have a right to make this demand. It is in the interest of the workingmen of all classes, especially in the large cities. I can demonstrate that, on twelve necessary articles for a family of four, for twelve months, the increase of price from 1860 to 1873 is 92 per cent.; the increase of wages in New York City for workmen in eight different mechanical occupations is 60 per cent.; but the average increase days' labor to earn these twelve necessities is 19½ per cent. The average purchasing power of labor has decreased 19½ per cent. For the tables from which I deduce these figures I am indebted to Mr. J. S. Moore, whose letter of May 27, 1873, to Hon. D. A. Wells I have before me. They are authentic—from official sources. The articles are beef, mutton, corned beef, butter, rice, milk, coffee, tea, sugar, molasses, coal, and rent. They are not directly influenced by the tariff. If the calculation included clothing, blankets, furniture, boots and shoes, spirits, tobacco, &c., another and a worse exhibit would appear. I add the tables to my remarks:

TABLE A.—Showing the annual consumption of twelve commodities by a family consisting of two adults and two children, and the cost of the same in 1860 and 1873, respectively, in the city of New York.

Article.	Quantity used during twelve months.	Price in 1860.	Amount of money expended in 1860.	Price in 1873.	Am't of money expended in 1873.
Fresh beef.....	250 lbs.	\$0 10½ lb.	\$25 62½	\$0 30 lb.	\$50 00
Mutton.....	100 lbs.	9 lb.	9 00	15 lb.	15 00
Corned beef.....	100 lbs.	7½ lb.	7 50	12 lb.	12 00
Butter.....	70 lbs.	18 lb.	12 60	30 lb.	21 00
Rice.....	50 lbs.	6 lb.	3 00	10 lb.	5 00
Milk.....	200 lbs.	5 qrt.	10 00	10 lb.	20 00
Coffee, (roasted).....	20 lbs.	20 lb.	4 00	35 lb.	7 00
Tea.....	5 lbs.	63 lb.	3 15	80 lb.	4 00
Sugar, (good yellow).....	100 lbs.	9½ lb.	9 50	13 lb.	13 00
Molasses.....	20 galls.	50 gal.	10 00	80 gal.	16 00
Coal.....	5 tons.	5 50 ton.	27 50	12 00 m'nth.	40 00
Rent for three rooms.....	12 m'nth.	5 00 m'nth	60 00	144 00
Total for twelve months.....	181 87½	347 00

Increase in price of commodities in 1873 over that of 1860, 92 per cent.

TABLE B.—Showing the earnings of workmen in eight different mechanical occupations in the city of New York in 1860 and 1873 respectively.

Occupation.	Earnings, per day, 1860.	Earnings, per day, 1873.
Cabinet-maker.....	\$1 75	\$2 75
Cooper.....	1 65	2 75
Carpenter.....	1 75	3 00
Painter.....	1 77	2 35
Shoemaker.....	1 50	2 50
Tailor.....	1 66	2 65
Tanner.....	1 75	2 75
Tinsmith.....	1 75	2 75
Total.....	13 58	21 75

Increase of average wages in 1873, a fraction over 60 per cent.



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TABLE C.—Showing the number of days' labor it required the different-named mechanics to perform to procure the twelve commodities in Table A, in 1860 and 1873 respectively.

Occupation.	Number of days' labor to procure the twelve commodities in 1860.		Number of days' labor to procure the twelve commodities in 1873.		Increase of days' labor in 1873 over 1860.	
	D.	H.	D.	H.	D.	H.
Cabinet-makers.....	103	9½	126	2	22	2¾
Coopers.....	110	2	126	2	16	0
Carpenters.....	103	9½	115	6¾	11	7¼
Painters.....	102	7½	115	6¾	12	9¼
Shoemakers.....	121	2½	147	6¾	26	4¼
Tailors.....	109	6	138	8	29	2
Tanners.....	103	9½	130	9¼	27	0
Tinsmiths.....	103	9¼	126	2	22	2¾
Total.....	859	5	1,027	3½	167	8½

Average depreciation of purchasing power of labor in 1873 to that of 1860, 19½ per cent.

RECAPITULATION.

Average increase of cost of twelve articles in 1873 over that of 1860, 92 per cent.

Average increase of wages of workmen in eight different trades in 1873 over 1860, 60 per cent.

Average increase days' labor in 1873 to earn the twelve necessities, to 1860, 19½ per cent.

When, therefore, you seek to divert two millions from the Treasury, the proceeds of our common lands, and impose, as you must, so much additional burden upon labor; when in this bill you give to the poor and illiterate of other States the larger shares for education, which, if fairly divided, should go *pro rata* to all the States on the basis of proprietorship and population, you pass an inequitable bill, and at the same time neglect the desideratum of the day—economy. Our legislation must be according to the facts. If we are not to reduce the taxes through the tariff, in so far as we can reach them in a Federal legislature, and at the same time increase revenue as I have proposed, we might at least keep all the funds we can, to prevent further taxation, and among them the proceeds of the public lands; keep them as well from railroad and less obnoxious schemes as for credit and revenue.

CIVIL RIGHTS.

Secondly, I am opposed to this bill because I am opposed to the congressional enactment of the civil-rights bill, as it was when recommended.

Whoever opposes the civil-rights bill on account of the mixed-school system must oppose this bill, which furnishes funds for such a system. It is now very relevant, therefore, to discuss the civil-rights bill. This I do not propose to do, except so far as to show its consequences, if passed, as affecting this bill and the probability of its passage. It does not follow, however, that all who favor the civil-rights bill must vote for this; although it is singular to me how so sound a reasoner on this matter as the eminent and eloquent member from Iowa [Mr. KASSON] can agree to aggrandize Federal power by voting mixed schools, and oppose this bill, as he does, because he would re-

strain this centralizing tendency. He seems to swing with the pendulum and describes the oscillating arc he so happily represented.

Nor does it follow that the colored advocates who have enraptured the galleries on the former bill will vote this. Can they do it if the House should "proscribe" them from the common use of the schools? Is it not irrefragable that if the right to the inn, railroad, theater, and cemetery be conceded to the black (as provided in the civil-rights bill) to the same extent as to the white to enjoy them, (though the enjoyment of the grave-yard is perhaps a melancholy hilarity,) that the same right should be extended to them as to the schools? The colored members are correct in their reasoning, assuming these premises. Indeed, all the *amis des noirs* who have spoken, if right at all, are right in demanding equality alike in school and inn, in cemetery and car. When you debar them from the school you as much keep up the bar sinister as by keeping them from the play-house. Would it not be a craven logic, unworthy of the struggling blacks and their admirers to insist on the one and not the other? Is it not, therefore, nonsense to pretend that this bill does not have in it, indirectly, a colored element? "*Hic niger est, hunc tu, Romane, caveto!*"

Mr. Speaker, without invidious reflection upon any one, may I commend the calm and statesmanlike way in which the gentleman from Massachusetts [Mr. G. F. HOAR] presented this bill. He did not appeal to the clamor of the House or to the claqueurs of the galleries. He did not seek to question that body up yonder, which, like the African Sphinx, sits an insoluble riddle until its sensibility is tickled by allusions to its industry, education, and heroism! If, however, plaudits serve to grace the noble fervor of the gentleman from South Carolina [Mr. ELLIOTT] who spoke so well for his race, or the chattered libertines of debate who tumble about in bellicose drollery, I am content to praise and enjoy this novel mode of deliberation.

But I do not refer to the civil-rights bill merely to mark the difference in the manner of debate. This act consecrates the net process of the public lands for education, and provides the mode of their application. The civil-rights bill provides for mixed schools; and it becomes a law the funds thus dedicated will be thus applied.

"But," it is said, "the civil-rights bill is recommitted; and may be reported back without the mixed schools." I do not know as to that. I will give three or four reasons why I think "civil rights" and mixed schools will return to us again for our action: first, partly for reasons; secondly, the speech and oath of the gentleman from Massachusetts, [Mr. BUTLER,] the champion of the measure; and, thirdly, the attitude of the colored people as to mixed schools since the recommitment of the bill.

PARTY REASONS FOR THESE BILLS.

First. Frequent reference has been made by members, both colored and white, to the democracy. The acrimony of the debate has sprung from their alleged chronic prejudices against color. I have no sympathy with prejudice; nor do I mean to express any, when I say that the white advocates of the bill might well entitle it "An act to revive prejudice so as to rehabilitate the republican party." The appeals to the colored galleries, the plaintive reference to the African soldiers, the unintentional satire about black children outstripping the white at school, and even the sudden collapse of the bill, by its recommitment to placate white republican opposition in Virginia and elsewhere, all indicate that it is a measure of party necessity with party complications. Is it intended to renew and to keep up discussion upon it, and thus

kindle and embitter partisan rancor, now somewhat dull, "in the agricultural districts?" Is it not intended to revive something of the dying war feeling and re-create a new soul under the ribs of radical death?

It was remarked that the northern democrats took no part in the debate on the civil-rights bill. Why this remark? Was it a part of the plan of the shrewd leader of the republican party to inveigle the northern democracy into the debate, so as to arouse dormant antipathy; or to call attention from the bankrupt condition of the Treasury, or from the discontent and impoverishment of the laboring people? Was it a movement to recover from the overwhelming defeats of the Administration in Ohio, New York, Pennsylvania, Wisconsin, California, and Iowa? Was it intended to reorganize the scattered forces of republicanism on the colored issue? I would do no injustice to the gentleman from Iowa, [Mr. KASSON.] On the contrary, at the risk of embarrassing him, I say that I am sure he is sincere in his appeal to Heaven to save his party from the effects of such a Federal measure as this of education; but he made no such appeal as to the civil-rights bill. Is Heaven against him irrevocably upon that? It is not the first time that that party has planted itself in a pietistic attitude. This is once too much. The grangers are up and alive. I could almost see my friend, like another Cincinnatus, at the plow; his auburn hair full of hay-seed, and his democratic logic mowing down the crop of fallacies by which this and similar bills are defended. But I doubt if Heaven listens to the appeal. The "crow is not reckoned a religious bird because it keeps cawing from a steeple." The northern democracy are satisfied with such expositions of Federal power as the gentleman gives us. They would apply them further. They should go to the civil-rights bill, *a fortiori*.

His argument is not a new one to me. On the 17th February, 1864, when the Freedmen's Bureau bill came in, I was first to denounce it, for the very reasons given upon this bill, by the gentleman. In the light of recent developments, what a commentary is there in these remarks of mine, then made. May I be allowed to recall them?

It begins, for this Federal Government of limited and express powers, a policy so latitudinarian that the whole system is changed. This is a new system. It opens a vast opportunity for corruption and abuse. It may be inaugurated in the name of humanity; but I doubt, sir, if any government, much less our Government of delegated powers, will ever succeed in the philanthropic line of business, such as contemplated by this bill. Hence, the highest humanity is in building strong the ramparts of constitutional restraint. If the gentleman can show us warrant in the Constitution to establish this eleemosynary system for the blacks, and for making the Government a plantation speculator and overseer and the Treasury a fund for the negro, I will then consider the charitable light in which he has commended his bill to our sympathies. If you can so frame your bill as to draw no money from the Treasury, and make your scheme self-supporting; or, if you can so perfect the system as to connect it legally with the military without degrading the Army, and still discipline and care for the unfortunate blacks, male and female, young and old, strong and weak, then we may consider its propriety and legality, with a view to aid its passage.

As in matters of charity and police, so in matters of social privilege and education; the forum for their consideration is the State Legislature. New York has its educational system; and its civil-rights bill. The one is admirably executed; the other may be in time. But something is due to the spirit of a people. All the punishments you can invent as to school officers or their squandering, as to the theaters and schools, and the admission of the colored race to them, will not answer. There is no remedy here for the inconvenience and trouble likely to arise from such peculiar Federal intermeddling. Self-help, not State-help, is the law of success for every race and people.

When De Foe, the great friend of liberty, (better known as the author of Robinson Crusoe,) was placed in the pillory for defending the dissenters, the populace who were expected by the law to pelt him with eggs and heap contumelies on him, hung garlands on his pillory, huzzaed, and sung hymns to him.

Tell them the men that placed him here,
Are scandals to the times,
Are at a loss to find his guilt,
And can't commit his crimes.

So will it be with all legislation which interferes with local, social, and home relations. Honors will be heaped on those who defy the law when that law is adverse to public opinion and domestic prejudices. So it was with the fugitive-slave law; and so it will be with all laws interfering with matters of local and social concernment.

COLORED AGITATIONS.

But, Mr. Speaker, if the civil-rights bill does come back with mixed schools out, the colored members here, and colored voters elsewhere, will not be satisfied. The battle will rage again. You may give them the freedom of the inn, the railroad, and the theater; you may bury them side by side with the white in the cemetery; you may go further, and provide that we shall all rise together out of the same mold in the resurrection, irrespective of race, of color, or of previous condition; but the broad-voweled Africanese tongue will talk, and the elegant elocution of the successor of John C. Calhoun will still make its music of agitation. Gentlemen of white persuasion may tender the forty acres, but the inquiry still will be, "Where's your mule?"

GENERAL BUTLER'S SPEECH AND OATH.

Secondly. Why do I say this? Because the gentleman from Massachusetts [Mr. BUTLER] has sworn it on a gory battle-field? I am sure no one could have been more interested than myself in the dramatic effect of that adjuration, or rather in its histrionic recital. It was a masterpiece. It displayed the eminent actor in a new rôle. He wears, it seems, the buskin as well as the sock; his words so naturally fall into the heroic and tragic measure:

How the cothurn treads majestic,
Down the deep iambic lines,
And the rolling anapaestic
Curls like vapor over shrines.

But is he not a painter as well? His battle-scene is worthy the pencil of Vernet; nay, it has the rare *chiaro-oscuro* of Rembrandt, with its "gloomy light much like a shade;" and its weird afterpiece of death in its setting of bronze seemed so realistic that one could almost wish that the painful picture were overdrawn.

Here is the terrific oath that followed his eloquent battle-piece:

Among my dead comrades there I swore to myself a solemn oath, "May my right hand forget its cunning and my tongue cleave to the roof of my mouth if I ever fail to defend the rights of these men who have given their blood for me and my country this day and for their race forever;" and, God helping me, I will keep that oath. [Great applause on the floor and in the galleries.]

From that hour all prejudice was gone, and an old-time State-rights democrat became a lover of the negro race; and as long as their rights are not equal to the rights of other men under this Government I am with them against all comers, and when their rights are assured, as other men's rights are held sacred, then, I trust, we shall have what we ought to have, a united country North and South, white and black, under one glorious flag, for which we and our fathers have fought with an equal and not to be distinguished valor. [Applause.]

This sudden change from an old State-rights democrat to what



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Caleb Cushing used to sneeringly call, a negrophilist, was not less marvelous—like a certain scriptural conversion—than the scene itself which so wrought upon the gentleman's subjectivity.

But, sir, to the remarkable speech of the gentleman from Massachusetts! I do not assume to be an *arbiter elegantiarum* in oratory; but I confess to an æsthetic desire to commend this work of art. It had in it, besides, natural tremulous touches of pathos. I saw more than one "dew-drop" in the eyes of rugged veterans, like my gallant colleagues, the generals from Brooklyn. He who is capable of such an effort should give to his declining years more of that gentle service. Even though he depicts his own experience, we can pardon it. As was said of Raphael, "who but himself could paint his portrait?" Can this be the same rude hand whose caricatures made those horse-laughs of the gallery groundlings, by the free use of gamboge and small beer—sometimes plastered on with a wash-brush, like a theatrical side-scene? Nor is it necessary, in passing on a work of art which evoked such feeling, to inquire whether it springs from unreal grief and imaginary scenes. The sorrows of Werther and the troubles of Richardson's *Clarissa*—I do not refer to any females of the Treasury—have made worse men tearful; but were they not signs of genius as well as of feeling? The point at which I aim in this line of remark is, that the persistent and vigorous gentleman from Massachusetts [Mr. BUTLER] is in terrible earnest in his sworn devotion to the black; and that he will never, never give up, until his bill with mixed schools is law, and these funds are fixed in trust for their sustentation.

Already, Mr. Speaker, the angry press, because of the speeches of the gentlemen toward their craft, have tried to wreak their revenge by casting suspicion over the plain, unvarnished tale of war, so eloquently recited by the gentleman from Massachusetts, and thus weaken our faith in his courage. It has been hinted, first, that in such an exciting and sanguinary scene the gentleman could not, have been so observant of details as to recall the precise number of yards, miles, and troops. It has been more than hinted that the whistling bullets, crossed bayonets, disrupted abatis, and capless muskets, and even the redoubts, were "works of the imagination;" and that the brave black man, waving the "flag of starry light over the storm of battle," including the great oath itself of the general, are but figments, worthy of an unconverted democrat or a Sir John Falstaff.

It is further surmised that the gentleman could not have been there at all. Now, sir, I meet this last allegation boldly; not with a flat denial, but with an explanation honorable to the service and to his discretion. Where should the general be except in the rear? Who ever heard of a general, unless it were some youthful Napoleon at Lodi, or the heroic Sedgwick, at Spottsylvania, under fire? It is his duty—not to take to a stump, as Jomini would recommend, but for success, to follow in the "track" of victory. Any general who would do otherwise would be cashiered.

No, sir. The past is at least secure on all these points. Let us who are making history forestall its careless muse of the future. Time has a relentless tooth. Horace sang of its corroding quality; and there is a German song of which I must make a note, which reproduces to the tune of "My Maryland," from the Latin lyre, the effect of time, if not age, upon the pleasures, sweeter than honey, or the kisses of girls—

as the ascending the pelt him his pillow.

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the felicities of the present.* How it destroys our pleasing prospects! how it tumbles down our enchanted castles! What is Rome since the skeptic Niebuhr erased Romulus and Remus and the wolf from our juvenile faith? What is Greece with Numa and the divine nymph? A mere myth? What the Argonautic expedition? Hardly a voyage for wool. The Golden Fleece has been washed out by the encrimsoned waves of the Crimean war. The heroes and gods of Homer; the ghostly figures of Dante's *Inferno*; the devils and angels of Milton, and the shadowy creations of Ossian—where are they now? Children of the mist—remote as the Milky Way! The braveries of Troy; the wanderings of Ulysses; the death of Agamemnon; the magical history of the Atrides; the knights of Prince Arthur in Spenser's *Faërie allegory*? Ashes only, inurned in golden verse!

Within our own time many believed in Dr. Whately's brochure, entitled "Historic doubts concerning Napoleon's existence." And yet men were still living who had seen the great Corsican. What may not be said of the distinguished gentleman from Massachusetts, when the 4th of July, 1900, shall be celebrated?

If the Xanthus and the Scamander "dry up" under skepticism, where may not James River be ten centuries hence? Where then this battle of the blacks? A dactyl, a spondee—the hexameter verse of some New Zealand Virgil, or some Alaskan Longfellow—singing of a supposititious general on an imperceptible horse upon an imaginary battle-field, with an army of spectral blacks cutting away a fictitious abatis with intangible axes, to capture an airy redoubt, held by a ghostly enemy, who did not incontinently fly over any number of miles, with nobody in pursuit!

Such is the fickleness of fame and the unreliance of history. If only twenty-seven names survive of all the millions before the flood, what matters it if these heroes are forgotten? It matters much. The heroic mind would have all the grand deeds of our world recorded in enduring brass. Alas! we have but a CONGRESSIONAL RECORD, made up of printing-ink and the pulp of rags.

Before the century is out, it may become as difficult to decipher our RECORD as the Egyptian hieroglyph or the Babylonian script. Some future Champollion or Smith, struggling through our mutilated record, may doubt, first, that if there ever was a rebellion, no such battle as that of Spring Hill took place; secondly, if there was such a battle, no colored troops fought in it; thirdly, if there were colored troops engaged, there was no such commander; fourthly, if there was such a commander, it was not General BUTLER; fifthly, if it was General BUTLER, no rebels ran away!

To dispel these possible illusions of posterity, the gentleman from Massachusetts, with wonderful foresight, called on those present who were cognizant to confirm his statement. Their silence afforded that confirmation. Lest, however, the captious critic of 1976 may still doubt, I add my belief to magnify the truth, by completing this epic of "arms and the man." Anxious for my country's future in history, and that the leader of the Forty-third Congress shall have his niche in the Pantheon of fame, I would resolve these nebulous doubts into authentic stars.

Nay, I confirm my belief by a document before me, dated October 11, 1864, from the army of the James before Richmond, issued by com-

* Lauriger Horatius,
Quam dixisti verum,
Fugit Euro citius
Tempus, edax rerum!

Ubi sunt, O, pocula
Dulciora melle;
Rixæ, pax, et oscula
Rubentis puellæ!



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mand of General B. F. BUTLER.* It refers to this fight and the colored troops in admirable phrase. It only lacks the picturesque and poetical imagery and oath of the impassioned orator. I call attention to this order only to show that the general of that army is in dead and bloody earnest in swearing that he would lose the cunning of his hand and the use of his tongue before he would give up the colored cause; and hence I infer that the proceeds of the public lands will go to the mixed schools.

UNCERTAINTY OF PRINT.

I have been elaborately particular on these points, for the gentleman knows well the apochryphal character of printed matter; in fact I think I have heard him make a few remarks as to the unreliable character of the daily press. How much more, then, sir, would he doubt the literature of the coming centuries, when Time's effacing hand shall spoil the now, alas! imperfect record of the newspapers.

I am the more inclined to make this vindication, because, as my friend once confidentially told me, I was debauched by literature; so that the quality of that species of human employment stands in poor esteem in his mind. I fear it will stand still less so when I tell you, sir, that my apprehensions about the future of this remarkable battle and his gallantry in its track, may subject him to such derogation as I find in De Maistre's "Journey round my room." That vivacious and clever Frenchman, with spiteful jealousy of our nation and malicious prophecy as to our war, says in his last chapter but one: "How many men there are who, finding themselves clothed in uniform, firmly believe they are officers until the unexpected appearance of the enemy; and more than this, if it be the king's good pleasure to allow one of them to add to his coat a certain trimming, he straightway believes himself to be a general; and the whole army gives him the title without any notion of making fun of him. So great an influence has costume on the human imagination! (*Voilà l'effet de costume sur l'imagination!*)" I am sorry, Mr. Speaker, that the translation fails to give the exquisite aroma of the polite French original.

PRODIGES OF AFRICA.

Besides, if I may be allowed other classic reference, all history concerning Africa and her sons and scenes is a record of enchantments and prodigies, and it is apt to be discredited. I do not speak to disparage, but partly from reading and partly from observation upon the northern part of that continent, when I recall the dangers of disbelief as to anything concerning Africa. There the lotus grew, whose fruit when strangers ate they forgot even their own race and native land; there was the palace of the Gorgons; there Strabo locates the seven-cubit leeches, a single one of which drained the blood of a dozen men. These were doubtless the antetype of the Freedmen's

* "In the charge on the enemy's works by the colored division of the Eighteenth Corps at Spring Hill, New Market, better men were never better led—better officers never led better men. With hardly an exception, officers of colored troops have justified the care with which they have been selected. A few more such gallant charges, and to command colored troops will be the post of honor in the American armies. The colored soldiers, by coolness, steadiness, and determined courage and dash, have silenced every cavil of the doubters of their soldierly capacity and drawn tokens of admiration from their enemies—have brought their late masters, even, to the consideration of the question whether they will not employ as soldiers the hitherto despised race. Be it so; this war is ended when a musket is in the hands of every able-bodied negro who wishes to use one."—General Butler's order to the Army of the James.

Bureau! Africa is full of legends of satyrs and other goat-footed genii, who greeted sunrise and sunset with yells; of one-eyed beings with a single leg, outrunning the ostrich; of basilisks, dragons, and all sorts of miscegenated monsters. Hence, these prodigies naturally beget incredulity where Africa is concerned; and we must anticipate this effect, *a priori*, by fixing this battle as a prodigious authenticity, and having the enchantment of verity. This I have essayed.

THE OATH!

But while the task is easy as to the details of the battle, it is more difficult when we approach the oath of the general; and here, lest any member should make a point of order that my remarks are irrelevant, I make my concatenation with the bill. If the oath be authentic, and the juror is that man of determination which his race for governor of Massachusetts illustrates, then mixed schools will be kept in the bill, and the public lands will be thus dedicated. To assume that the gentleman would fail of that oath, would add an illustration of that other prodigy, which Herodotus says belongs to Africa, wherethe cattle graze backward on account of their strange horns.

I will not now inflict upon the House a dissertation on oaths. Some sessions ago I urged the inutility of frequent and familiar oath-taking, with reference to the repeal of the iron-clad. My friend behind me [Mr. MAYNARD] answered me; but time has led him to my side; for it was he who brought in the bill to melt down the iron-clad! Oaths should be reverent and rare, to inspire respect. Not that I intimate any want of rarity on this occasion or generally in battle. But by many good people oaths are rejected entirely. "Whatever is more than this"—that is, the simple truth—"cometh of evil." The Golden Age had no oaths. When cozenage, deceit, and lack of confidence began in our world, oaths arose. All the best writers agree that there is still a slippery uncertainty in an oath. There are various modes of swearing. Abraham's style was peculiar. In fact the binding nature depends sometimes on the mode of taking the oath. In this regard, we are ignorant of the precise ceremony of the gentleman. He only tells us he swore to himself. The Greeks swore by Apollo; the Saxons by the head of their king. Cyrus swore he would not eat till he did it. Other persons swear off that they will not drink. The Magi swore by the Ganges; Palinurus by the rough seas. Some Athenians swore by cabbages; Theseus by Mars the Red; Socrates by a dog. The King of Polonia in 1573 swore that if he failed in fealty to the Turk he would be apostate, oppose altar and priest, and slay swine upon the font, and worship them! Hamlet swore by Saint Patrick; for the whole Northern world had then their learning from Ireland. Shakespeare, who was a Celt, knew, like the gentleman from Massachusetts, an oath was necessary for supernatural effect!

A recent traveler in Burmah relates that, theoretically, false swearing is obnoxious in that land; but for the business of the courts, in order to strike terror to the Burmese soul, the oath is common, and yet the form of it is so uncommon, that I quote it. Here it is:

Let the calamities occasioned by fire, water, rulers, thieves, and enemies oppress and destroy us till we perish and come to utter destruction. Let us be subject to all the calamities that are within the body and all that are without the body. May we be seized with madness, dumbness, blindness, deafness, leprosy, and hydrophobia. May we be struck with thunderbolts and lightning, and come to sudden death. In the midst of my not speaking the truth may I be taken with vomiting clotted, black blood, and suddenly die before the assembled people. When I am going by water may the water-gnats assault me, the boat be upset, and the property lost; and may alligators, porpoises, sharks, and other sea monsters seize and crush me to death; and when I change worlds may I not arrive among men or gnats, but suffer



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unmixed punishment and regret, in the utmost wretchedness, among the four states of punishment—Hell, Prota, Beasts, and Athurakai.

The effect of such an oath, with reference to the black soldiers, would have prevented the recommitment of the bill!

But it is the martial oath I would analyze. Swearing is a soldierly habit. The army swore in Flanders. Our armies, Federal and Confederate, swore continually; they swore in recruits and swore in disloyalists; and swore them out. Even this oath of the gentleman which I have quoted, cannot be his only one. He must have sworn somewhat at the court-martial who sentenced a soldier to work ten years on his Dutch Gap canal; and he might be well excused if he swore when, contrary to the general belief, powder did not go off before Fort Fisher.*

The sublime oath, however, of all time, quoted by Longinus, is from Æschylus—where, upon a black, orbed shield, seven valiant chiefs slew a bull, and dipping their hands in his blood, went out to ravage and destroy! The gentleman's oath was by his hand and tongue; and as neither the one nor the other is impaired, my conclusion is that he will insist on perfect equality and confiscate our lands for mixed schools.

It is urged that most of these oaths are, like that of Hamlet to the ghost, only a fiction. I may admit it; it is but another illustration of a licentious press. Even this splendid oath of the founders of Swiss freedom has been called a myth: "We swear," exclaimed Walter Fürst, Werner Stauffacher, and Melchthal, extending their arms, "we swear in the presence of God, before whom kings and people are equal, to live or die for our fellow-countrymen; neither to suffer injustice nor to commit injury; to respect the rights and property of the Count of Hapsburg; to do no violence to the imperial bailiffs, but to put an end to their tyranny." Around this oath has gathered the haze of time. It is very beautiful. It has its conservative reservations as to certain rights of property and person, which the distinguished gentleman from Massachusetts omitted in the hurry of his movement in the track of that black charging column. I would advise him to copy it next time. It is very effective, but still it lacks the diabolic energy which not only appeared in the oath of the gentleman, but in his speech. But alas! alas! for human asseverations. Oaths

* Fellow-citizens, I have lived with you, man and boy, for thirty years, and I am going to live with you, if you will have me, for thirty years longer. [Great applause.] I have stood before you many times, and I hope to stand before you many times more to advise with you upon that which is for the good of the country; but often as I have met you here no man can say that I ever misrepresented a fact, and when I now tell you that I never saw that powder-boat, that all I had to do with it was to order my ordnance officer to turn over to the Navy one hundred and fifty tons of powder, and that the whole thing was under the charge of the Navy, and was arranged exactly as the Navy desired, when they wished and how they wished, you can judge of the truth of the dispatch which states that I prepared the powder-boat.

Whoever states it, there is no truth in it. But the powder-boat it is said was a failure. Granted; as the powder in it was never wholly set on fire. It was intended that there should be then exploded more powder than ever was at once exploded before—powder enough, in my judgment, to have done very great damage—so much, in fact, that I have the written advice of Admiral Porter that I should stand out twenty-five miles, let off the steam, and draw the fire from the boiler of my boat before it went off, lest the explosion should blow me up even there. [Laughter and applause.] I am prepared to take the issue; and hereafter, fellow-citizens, when you bear me to that little inclosure on the other side of the river, which I hope for as my last resting-place, I pray you to put over me for my epitaph: "Here lies the general who saved the lives of his soldiers at Big Bethel and Fort Fisher, and who never commanded the Army of the Potomac." I ask for nothing else. [Great applause.]—General Butler's speech at Lowell, January 29, 1866.

became so common in the war, and since. They became the sport of the privates and the joke of the officers. It is Congress only which listens to them with awe, while the galleries cheer in exultation. But the object of the oath and speech is gained, and then—O! fatal indecision, not unlike that of the Dane, who let "I dare not, wait upon I would"—the native hue of resolution became sickly, the oath failed, courage sank, and the bill, on the motion of the eloquent gentleman and soldier, was recommitted.

EARNESTNESS OF THE BLACKS FOR MIXED SCHOOLS.

Thirdly. But will the bill remain thus? No. I ask the gentleman from South Carolina, [Mr. ELLIOTT,] or his *confrères*: are you going to give up mixed schools? Not thus do I interpret the serenade remarks of that member. Not thus do I read these ringing sentences, which come to us (as did the words of the ghost to Hamlet, "Swear! swear!") from below, in the restaurant—from Mr. Downing and his thirty-nine men of nerve:*

Having this regard, you will not consent to have the clause securing us from proscription in public schools in the several States stricken from the civil-rights bill now before you. It is to us the clause of primary import. Public schools inculcate ideas, teach the rising generation. If the rising generation is taught by the State to look on the color of a citizen, and (as the arrangement setting them apart implies) to despise them, to regard the class as inferior, one that may be outraged, they not only, in thus educating them, unfit the despised as well as the despising class to sit on the juries, but the arrangement wars with the Constitution, which forbids any State from making or enforcing any law abridging the right of citizens. * * * Rights should not be disregarded in deference either to prejudice or threats; the very threats are an argument that, without law, the parties are not likely to act equally and justly by us. * * * Why not act justly, fully? Let us and the country have rest. The material interest of a burdened country cries out for rest; for a rest it cannot hope for until our rights, like others, are fully secured and respected.

We ask, as proud Americans, to be dismissed from your gates. We do not desire to stand in the position of suppliants. We want our rights, and no more than our rights. Nothing short of them will satisfy us. If driven to the wall, it must be by those who, having the strength, may, if they will, secure them.

THE INN, CAR, THEATER, AND GRAVE-YARD.

I know what this means. Mr. Downing does not care so much for the hotel. It is not in his line. The privilege of five dollars a day at the Fifth Avenue or the Arlington is not to be greedily sought for. As to the rail-car too, "are we not," says the colored traveler, "treated like the whites, to separate cars? Was not a Massachusetts member [Mr. HOOPER] turned out of a colored car in North Carolina? Are we not equal in that?" And the theater; who cares to pay the price of a family's food for a week to see a blackamoor making love and finally smothering a weak young lady of Venice, then throwing himself away and finally committing suicide on account of a lot of "white trash?" Who would beg to pay the price of intrusion into a theater, where "Box and Cox" do nothing but bother each other and poor Mrs. Bouncer? As to the cemetery: I fancy I do not derogate from the spiritual elevation of the colored race when I say that, compared with the school question, it is no matter where they are buried. What matters, my colored brother, from what spot you or I put on the wings of an immortal flight; whether "way down upon the Suwanee River," or far off upon the banks of the Yang-tse-Kiang?

* Ghost, (beneath.) Swar!

Hamlet. Ha! ha! Boy! says't thou so?

Art thou there, true penny?

Come on! you hear this fellow in the CELLARUAGE—

Consent to swear.

Hamlet. Scene V, Act 1.

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There is more pensive thought in the little burial mounds I have seen in a Carolinian thicket than in the stupendous monument of Metella! The gentleman [Mr. ELLIOTT] has read Sir Thomas Browne's *Urn-burial*. I think I hear his rotund and serious voice rehearsing its quaint philosophy:

To die, indeed, is to be again ourselves, and 'tis all one to lie in Saint Innocent's church-yard, as in the sands of Egypt, beneath the pyramids; ready to be everything in the ecstasy in *being ever*, and as content with six feet as the moles of *Adrianus*.

Not his the philosophy of Ulysses in Hecuba, who did not care how meanly he lived, so he might find a noble tomb in death; but rather that of Socrates, who was indifferent, so that his friends regarded his immortal part, whether his body was buried or burned. It is all one how we are buried or where we lie. Was not Pompey burned with a piece of an old boat; and did not Caesar cast off his enmity with his body, and with accord accompany his enemy, Pompey, to a Latin hell? "Nay, after all," says our quaint friend, "has not water proved the smartest grave, which in forty days swallowed almost mankind and the creation, fishes not wholly escaping?" What remains of the dead past save a few royal bones and priestly dust? These are entombed in mounds and minsters! Of Adam, our earliest forefather and blood relative, no fixed site is pointed out as holding his loved remains; and yet his death "was only six thousand brief summers ago!" Even Mark Twain was not entirely certain of the precise locality. Hence, he wept!

So far as I am individually concerned, I quarrel not about being sepulchered with the black. I am not perhaps as certain as some of them as to the resurrection; but I rather believe with Joaquin Miller that it is hardly

Worth while that we battle to humble
Some poor fellow-soldier down in the dust.
God pity us all! Time eftsoun will tumble
All of us together like leaves in a gust—
Humbled indeed down into the dust.

Therefore I feel authorized to say for the living fathers and mothers of Africa that all other reasons for the civil-rights bill may fail; but the chief cause remains, so long as their children are proscribed from the schools. They will have that boon as a part of their equality. In no other way do they feel that they can secure a victory over the whites, which they all acutely feel. If that be not given, "not death, nor hell" can drive them to remain with the republican party.

So that, whether we like the mixed schools or not, ultimately, as I prophesy, this Congress will enact it. You cannot get rid of it. It is the Old Man of the Sea.

Gentlemen, therefore, will be wary in voting this bill. It is a bill to furnish the proceeds of the public lands for a policy which, if we are to believe many of them, will make the whole scheme of free education South, a failure. If we thus dedicate the lands, the trust will in the end go to prop up a failure.

Aside from that, coming to the bill itself, I should like to support it in a different shape, and under different circumstances, and as a State measure. If we could reconcile our best wishes toward the negro, with State action and public sentiment, we will do more for them than any party has hitherto done, where it has had the power.

THE BILL ENLARGES FEDERAL AND ABSORBS LOCAL POWER.

The bill before us is what the gentleman from Massachusetts [Mr. G. F. HOAR] calls a compromise. In other words, it is a great advance,

on his former views. We have objected to previous bills from that quarter, as tending to enlarge Federal powers, to absorb those local functions which have been the life of the State systems, especially their school systems. I cannot yet divest myself of a certain caution in looking at this gift. *Timeo Danaos*. The bill does aggrandize, though insidiously, the function of the Federal Commissioner of Education. His certificate may give or withhold from the State its share of the fund. He is to judge whether the State has complied with the seventh section. If, for instance, he holds that a free-school system requires the admixture of the races, and so regards the "shrieks of locality," and the clamor of districts, counties, or States, as to withhold the ratio of a State, who is to question him? Congress? Not immediately; and perhaps never. So in regard to the misapplication of the funds. There is a severe penalty. How if "misapplication" may mean the application under a law of a State to white schools alone and not in accordance with the Commissioner's views? Is he to be punished for that?

There is another query, which as a legislator I am bound to make. There is a penalty in the eleventh section for the misapplication of the funds. A felony is declared. Fine or imprisonment is provided for the officer or person willfully misapplying the funds. What officer? Any one in any of the hundred thousand school districts of the United States. What person? Any one, banker, depository, custodian, or messenger. The pursuit of such a felon is to be by the United States circuit court exclusively! Of this the gentleman from Iowa [Mr. KASSON] remarked exhaustively.

When will we have done with penalties? When will there be such a system of education and polity as will remove the inducements to crime, so as to avoid the frequency of punishment? Especially, when will we cease to enact here laws whose harsh penalties are an assurance of their impotence?

These objections which I have mentioned might be obviated by judicious amendment. The amendment I propose is to strike the eleventh and twelfth sections out of the bill.

EDUCATION—HOW BEST ENCOURAGED.

Let no one say that these objections spring from any opposition to an efficient system of education. No one can feel more deeply—especially since the new order of suffrage—the need of general and generous education. The South to-day would not be under the heel of Federal usurpation if the exceptional culture here shown by colored Congressmen were shared generally.

Education is the safety of society. "We must," said an English minister after suffrage had been enlarged in England, "educate our masters." One of the greatest objects of government is education. Education has been well described as a "companion which no misfortune can depress, no crime can destroy, no enemy can alienate, no despotism enslave. At home a friend, abroad an introduction, in solitude a solace, and in society an ornament. It chastens vice, it guides virtue, it gives at once grace and government to genius. Without it, what is man? A splendid slave, a reasoning savage!" No father, whether himself educated or not, cares to see his children grow up comfortless in body or dull in mind. This country has not been unmindful of this demand. It has answered it in most of the States, and will answer it in all, and best by local institution. We want no supervision of it from this Capitol. Indeed, there is much complaint among good men, even as to State and local supervision. Our experience with the eleemosynary bureaus and schools teaches us better. We want no new



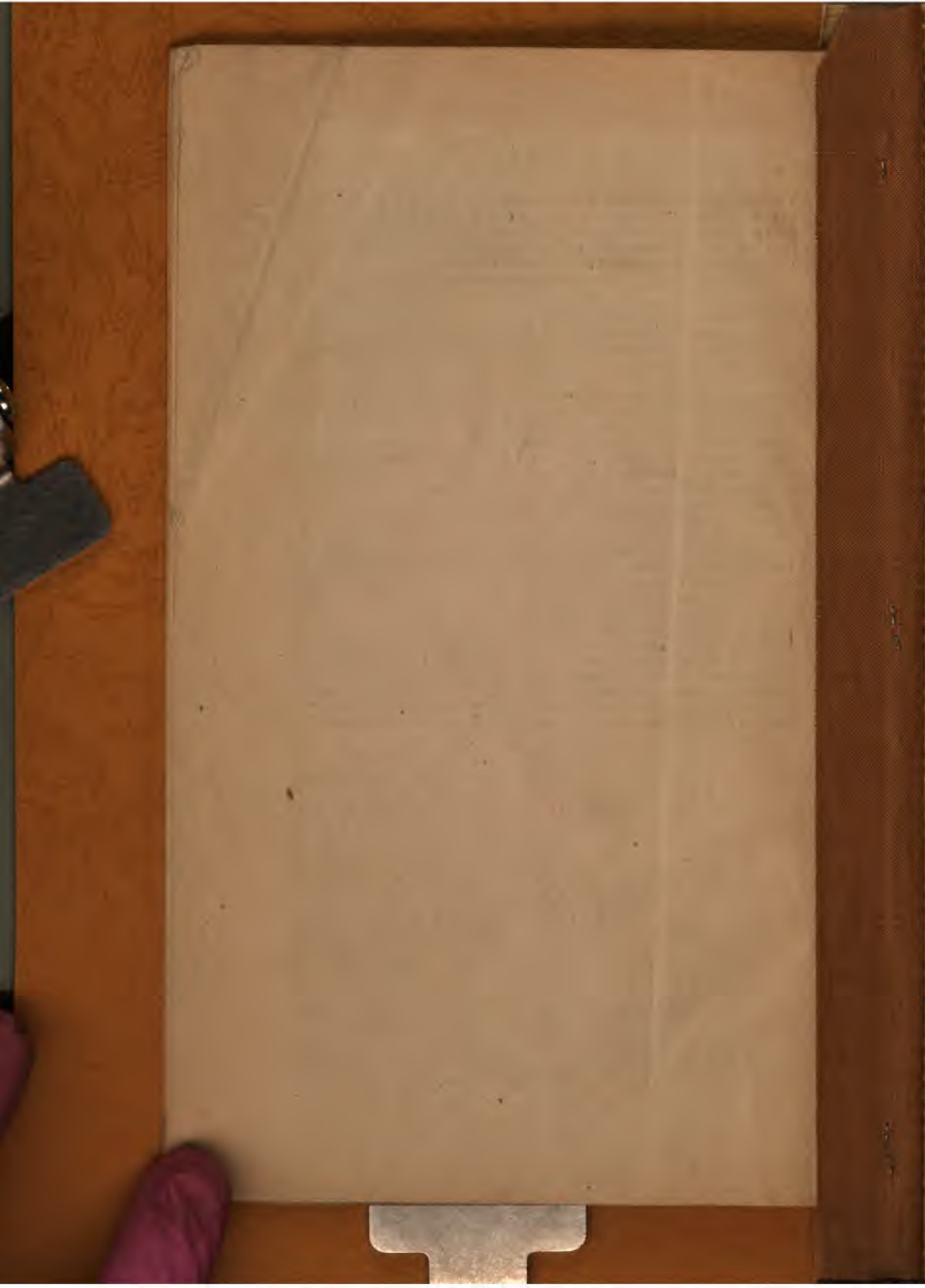
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Federal police emanating hence, whose Fouchés or Vidocqs will be sharpened by party needs, or prompted by publishing greed, to interfere with the State systems. We have enough now to attend to in our indispensable Federal duties, and especially in connection with the misapplication or squandering of public funds.

OVER-LEGISLATION.

Therefore, in conclusion, I oppose this bill as over-legislation. It will be barren of practical results. Many years of service have taught me some lessons of humility. I did not miscalculate at the beginning of the war, as to the way it would end, as some did of my party. I expected that slavery would be riddled to death by the bullet. I did not miscalculate as to the Freedmen's Bureau and its mischievous results; nor as to the consequences of universal suffrage, now seen in the radical States South compared with the conservative States—as to their taxes, peace, prosperity, and credit. But I did miscalculate as to the effect of enlisting the blacks as soldiers, and as to their reception and conduct here. Besides, I had thought that in time they would see the importance of dividing their vote between the parties, and thus, while avoiding collisions with the white race, command more care and respect.

It is hard to prescribe for the evils which have grown up since and out of our civil war; but there is a rule which is safe: Put not your faith in legislation to rectify social troubles and race divisions. The pendulum of the gentleman from Iowa is swinging just now in favor of *laissez faire*, and away from that "subtle form of fetichism"—the blind adoration through the centuries, of governmental omnipotence. We are admonished against this, by the size of our files, by the clogging of our business here, by the paralysis of our industries, by the flurry of our bourses, by the panic in our banks and marts, by the changes in our politics, by the expenses of our living, by the insecurity of our property, by the luxury of our millionaires, by the poverty of our poor, by the prodigality of our officials, and by the insecurity to life, liberty, and the pursuit of happiness, which are the consequences of a bad administration even of the best form of government.



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